

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESTERN WATERSHEDS PROJECT,
Plaintiff,

v.

JOHN RUHS, in his official capacity as
Director of the Nevada BLM, JON SHERVE,
in his official capacity as the Field Manager of
BLM's Mount Lewis Field Office, and the
BUREAU OF LAND MANAGEMENT, an
agency of the United States.

Defendants.

Case No. 3:16-cv-00179-LRH-WGC

ORDER REGARDING
NOTICE OF DISMISSAL WITHOUT
PREJUDICE

1 Pursuant to Rule 41(1)(A)(i), Plaintiff hereby dismisses this action. The rule provides, in
2 relevant part, that: "the plaintiff may dismiss an action without a court order by filing . . . a
3 notice of dismissal before the opposing party serves either an answer or a motion for summary
4 judgment." Fed. R. Civ. P. 41(1)(A)(i).

5 Here, federal defendants have not filed any answer or motion for summary judgment.
6 Instead, they filed a motion to dismiss, based upon another party's pending administrative appeal
7 for the decision challenged in this action. Doc. 14.

8 As explained in their recent motion for extension to respond to that motion to dismiss,
9 Plaintiff believed that appeal would be imminently dismissed. However, to Plaintiff's
10 knowledge, that has not yet occurred, and Plaintiff is now uncertain as to when it will occur.
11 Therefore, it dismisses this case without prejudice and may refile at a later date after the appeal is
12 resolved. *See* Fed. R. Civ. P. 41(1)(B) ("Unless the notice or stipulation states otherwise, the
13 dismissal is without prejudice.")
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15 DATED this 27th day of July, 2016.

Respectfully submitted,

16 s/Paul D. Ruprecht
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Paul D. Ruprecht

Attorney for Plaintiff WWP

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20 **ORDER**

21 IT IS SO ORDERED.

22 DATED this 9th day of August, 2016.

23 
24 LARRY R. HICKS
25 UNITED STATES DISTRICT JUDGE
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